

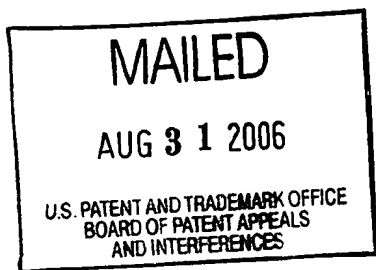
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte KEVIN P. BAKER ET AL.

Application 09/990,711

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER



This application was electronically received at the Board of Patent Appeals and Interferences on August 8, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

Information Disclosure Statements (IDS) were filed May 28, 2002 and October 27, 2003. It is not apparent from the record that the examiner considered the statements submitted nor notified applicants of why his submission did not meet the criteria set forth in 37 CFR §§ 1.97 and 1.98.

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On March 9, 2006, applicants filed a timely Reply Brief. In accordance with the revision effective September 13, 2004, Title 37, Code of Federal Regulations, §41.43 states:

(a)(1)... the primary examiner must acknowledge receipt and entry of the reply brief. In addition, the primary examiner may withdraw the final rejection and reopen prosecution or may furnish a supplemental examiner's answer responding to any new issue raised in the reply brief.

Further, the following references listed under the heading "Evidence Relied Upon" in the Examiner's Answer filed January 11, 2006 are missing from the file.

Chen et al., 2002, Molecular and Cellular Proteomics 1:304-313.
LaBaer, 2003, Nature Biotechnology 21:976-977.
Gygi et al., 1999, Mol.Cell.Biol. 19:1720-1730.
Lian et al., 2001, Blood 98:513-524.
Fessler et al., 2002, J. Biol.Chem. 277:31291-31302
Greenbaum et al., 2003, Genome Biology 4 :117.1-117.8.

Accordingly, it is


ORDERED that the application is being electronically returned to the Examiner:

1) for consideration of the Information Disclosure Statements, filed May 28, 2002 and October 27, 2003;

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- 2) for proper response to the Reply Brief;
- 3) to have the references listed above scanned into the record; and
- 4) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: 
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GJH

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